

MINUTES

PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING THURSDAY, NOVEMBER 18, 2004, 10:00 A.M. CITY HALL 8TH FLOOR – COMMISSION CONFERENCE ROOM

Members Present:

Peter R. Partington, Acting City Engineer
Bob Dunckel, Assistant City Attorney
Tony Irvine, City Surveyor
Chris Barton, Planner II
Greg Thornburgh, PBS & Collections Manager
Kathy Connor, Parks Supervisor
Tom Terrell, Maintenance Manager

Staff Present:

Mehrdad "Mike" Fayyaz, P.E., Assistant City Engineer
Ed Udvardy, Manager of General Services
Victor Volpi, Senior Real Estate Officer
Alan Gavazzi, Chief Architect
Maureen Barnes, Administrative Assistant I
Rafeela Persaud, Word Processing Secretary
Eileen Furedi, Clerk II

Guests Present:

Tony DiGiorgio
David Canfield
Rixon Rafter
Kevin Hart
Kathleen Yonce
Chris Ballesteros
Joe Holland
Victor Yue
Chuck Brandon
Karl Peterson
Brett Nein
Robert Lochrie

Peter Partington called the meeting at 10:05 A.M. and stated that this is a Committee of City staff serving as an advisory panel to the City Manager on appropriate uses of City property and rights-of-way.

Bob Dunckel stated that he would have to depart at 11:00 a.m. Peter Partington said that he also would have to leave at 11:00 a.m. and Mehrdad "Mike" Fayyaz, Assistant City Engineer would take over as Chair of the Committee.

ITEM ONE: **APPROVAL OF OCTOBER 21, 2004 MINUTES**

**MOTION BY KATHY CONNOR TO APPROVE THE MINUTES. SECONDED BY TOM TERRELL.
MOTION PASSED UNANIMOUSLY.**

ITEM TWO: **VACATIONS/RELOCATION OF FIRE STATION**

Address or General Location: southeast corner of NE 32 Avenue and NE 32 Street, to the southwest corner of NE 32 Street and NE 33 Avenue

Mr. Lochrie said that they have been working on this project for the last year and the neighborhood has been working on this project for a couple of years prior, having been meeting with various departments discussing the project and after meeting with Harry Stewart, City Attorney, it was suggested that they come before the PROW Committee in regards to the complex developer's agreement. He said the project is located north of Oakland Park Boulevard east of the Intracoastal, west of AIA, and commonly referred to as the Galt Ocean Merchants area. Mr. Lochrie said that approximately two years ago, at the Business Owners Merchants and association's request, the City put together a master plan for the area which envisioned a potential pocket park, a residential development, a new parking garage and continued redevelopment. Mr. Lochrie stated that as a result of the master plan, property owners and merchants began to solicit developers to accommodate and to produce along the master plan. He said that Opus South had bid on the proposal presented by the Merchants Association and the City and had secured properties within a year. Mr. Lochrie said that there were about thirteen property owners, one of which was a 12-unit condominium and all under contract. Mr. Lochrie said that the concept would be a residential structure on the water - two (2) 12-story residential building with central parking garage; a pocket park in which both aspects of the neighborhood would have access to the water which did not currently exist; to build a public parking garage; and to move the fire station to another location. Mr. Lochrie said that they are working very hard in acquiring the Bikini Shop. Mr. Lochrie said that this project was endorsed by the Galt Ocean Merchants Association and the residents to the north.

Mr. Lochrie said that there were 4 components to this project:

- (1) A dedication of a property to the City as a park through an easement agreement, or such.
- (2) Relocation of the fire station. Mr. Lochrie said that they are proposing to do a land swap with the City and build the City a new fire station which would cost about \$2.3 million and the City could stay in the old building until the new fire station is completed.
- (3) A vacation of the alley between two blocks to construct a garage.
- (4) Vacation of the 110-foot right-of-way on 32nd Street

Bob Dunckel asked if the applicants have fee simple title to the properties abutting the alley where the fire station was currently located. Mr. Lochrie said that they have all properties under control with the exception of the Bikini Shop. Bob Dunckel asked if they were seeking vacation of the alley abutting the Bikini Shop. Mr. Lochrie said no, not at this time. Tony Irvine asked if the Bikini Shop currently used the alley for deliveries. Mr. Lochrie said yes, and also for parking. Mr. Lochrie said that they would grant the owner of the Bikini Shop an access agreement through the public loop. Tom Terrell asked if they had contacted the fire department regarding ingress and egress. Mr. Lochrie said yes.

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Mr. Lochrie said they would also provide secured parking for the firefighters and an additional community room. Mr. Lochrie said that they did approach the owner of the Bikini Shop informing them of vacating the entire alley and provide an access easement.

Mr. Lochrie said that there was a 110-foot right-of-way on 32nd Street with 33 parking spaces and they are proposing to vacate the street, rededicate an easement for pedestrian/vehicular right-of-way and in keeping with the original Master Plan in regards to parallel parking. Mr. Lochrie stated they would replace the 33 spaces in the garage, with an additional 40, with a total of 75 public parking spaces, which would essentially be an entire floor in the garage.

Bob Dunckel said that fee simple ownership of the ground on which the garage would be built would be vested in the developers and the association. Bob Dunckel asked if the City would be getting easement rights and control the rates of the garage. Mr. Lochrie said yes.

Discussion followed regarding closing 32nd Avenue in which the neighborhood was not in agreement, access to the garages, the overhead which would be 18-feet, the developer's agreement proposal to vacate the streets and dedicate rights-of-way, to vacate the alley completely, a land swap and a construction agreement to provide the City with a new fire station, and dedicate a park side. Mr. Lochrie said that the specifics of the pedestrian friendly aspects of it would be going through the DRC process.

Chris Barton asked about the ownership and maintenance of the park. Mr. Lochrie said that the City would essentially own it through an easement and the applicants would do the maintenance.

Discussion followed regarding vacating right-of-ways and rededicating easements as needed, a view corridor through the building, landscaping that would draw people to the location, drainage structures in the public right-of-way, improving the density, police enforcement on an easement versus on a right-of-way.

Bob Dunckel said that regarding vacations, the PROW Committee is not confined to the criteria of the ULDR nor an advisory to the Planning and Zoning Board. He said that in the developer's agreement process, police should have the power of enforcement over the new easements as if the rights-of-way had not been vacated. Tony Irvine said that he objected to vacating right-of-way and then rededicating right-of-way. He stated that the right-of-way should be reduced to the area needed for thoroughfare. He asked Robert Lochrie to review the plans and keep the right-of-way as opposed to an easement in mind. Robert Lochrie stated that he would review the plans.

Discussion followed as to the density of the area, vacating the rights-of-way, and the need for the roadway system as it is today.

Bob Dunckel said that in regards to the City property, the overall plan should be looked at, the value of the land swap that would be added to the development and should be part of the equation. He said that the City would be involved in the overall development agreement. He suggested that the developer pay the cost of an appraisal done by one of the appraisers on the City's approved list, and also a written narrative. Mr. Lochrie said that they were looking at the land at a per unit basis. Bob Dunckel asked if the applicant would cover the costs of the City appraiser. Mr. Lochrie said yes. Bob Dunckel said that he would like to table this item until all components are in place. Greg Thornburg questioned the utilities in the right-of-way. Kevin Hart, Engineer, said that all public utilities would be dedicated back to the City with easements.

Joe Holland, resident of the neighborhood, asked if consideration could be taken regarding the current storm drainage facilities being aged and still have direct outfall into the Intracoastal and whether the developer might consider along with the vacations and rights of way managing (infiltrating and treatment) of that storm water run off of their property and the converted public lands on site. Mr. Hart said it was a possibility but may be cost prohibitive.

Peter Partington asked if the development would need a traffic study before going to DRC. Mr. Lochrie said yes and was already submitted. Peter Partington said that the roundabout design was not viable and a new design needed to be looked at.

MOTION BY BOB DUNCKEL TO TABLE IN ORDER TO HAVE AN OPPORTUNITY TO WORK WITH THE DEVELOPER ON THE APPRAISALS, IN WHICH THE DEVELOPER AND THE CITY WOULD EACH HAVE THEIR OWN APPRAISERS, BOTH AT THE DEVELOPER'S EXPENSE, AND TAKE FURTHER ACTION WHEN THE RESULTS OF THE APPRAISALS ARE AVAILABLE. SECONDED BY TONY IRVINE.

Tony Irvine asked the applicant to address all points at the next presentation.

MOTION PASSED UNANIMOUSLY.

ITEM THREE: VACATION OF EASEMENT/DONATION OF PROPERTY OR SURPLUS OF PROPERTY, N.E. 22ND AVENUE

Address or General Location: (3 properties) 1729 NE 22 Avenue, 2200 NE 16 Court, and parcel north of 2200 NE 16 Court (address unknown)

Victor Volpi introduced item stating that Charles Brandon would like to request a positive recommendation to have the City quit claim (and/or vacate) all of its interest in three parcels of land along the west side of N.E. 22nd Avenue, from N.E. 15th Court to N.E. 16th Court. He stated that these parcels have been escheated to the City and one is encumbered by a utility and planting easement. He stated that Mr. Brandon said he has maintained these properties for years and would prefer to own them and would continue planting and maintaining these parcels. Victor Volpi introduced Charles Brandon.

Mr. Brandon said that he has been a resident for over 30 years and the strip of land has always been filled with debris and overgrown with various trees. Mr. Brandon stated that in 1982, he became the President of the Bal Harbour Association and proceeded to clean the strip single handedly. Mr. Brandon said that he had envisioned a park like area along the strip of land where there would be no intrusions on the easements of all the utilities along the strip. Mr. Brandon said that taking away the easement and right-of-way 25 feet of the centerline of the road, the strip of land was approximately 10 feet wide by approximately 2,000 feet long. Mr. Brandon said that there were no properties that had addresses of N.E. 22nd Avenue. Mr. Brandon said that there is an opportunity to make a park like area for the community and therefore, started removing and landscaping the strip of land over a two year period. Mr. Brandon said that the Association did not want to pay for the maintenance of the pieces of properties. Mr. Brandon said that his main purpose is to gain ownership of the pieces of land that had no building capability. Mr. Brandon said that the City had never paid to maintain the properties which costs approximately \$5,000 annually. Mr. Brandon said that he did not live in the

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area and there was no personal gain, simply that he has a great interest in the community and would like to continue to maintain the strip of land.

Victor Volpi asked about the trust Mr. Brandon was working on. He said that if the strip was given to Mr. Brandon, the strip could escheat back to the City after, if ever, Mr. Brandon left the area. Mr. Brandon said that there needed to be a common interest in taking care of the strip. Mr. Brandon said that the strip is a common area to the community but owned by individuals who did not regard the strip as part of their property, and therefore did not take care of it.

Bob Dunckel said that there were two different plats with two different sets of provisions with regards to the 10-foot strip. He said that the dividing line between the two plats was the southern boundary of the lot line to the west on 16th Court, and the terms and conditions regarding the planting strip between the southern and northern boundaries are different. Peter Partington asked if the planting strip was in the right-of-way. Bob Dunckel said no, fee simple title is held by private property owners.

Bob Dunckel asked about the maintenance. Mr. Brandon said that out of the 12 properties along the strip, three people paid the annual association fees of \$100. Mr. Brandon said with new people moving in and by showing people by example, he is assuming that the association would be glad to take title and he would have no problem in deeding the properties to the homeowners association and it would then become a central responsibility.

Peter Partington left at 11:00 a.m. Mehrdad "Mike" Fayyaz, Assistant City Engineer took over as Chairman.

Bob Dunckel said that although he is in favor of the general direction, a vacation cannot be done and would need to go through a bid process, suggested to get a consensus on a uniform planting scheme, and suggested a trust or some other mechanism be created that would take title to the property rather than Mr. Brandon, and coupled with a reversionary interest.

Kathy Connor said that it would be a good opportunity to create green space and make a linear parkway or greenway. Kathy Connor said that maybe a bid process was not necessary if the homeowners were asked to dedicate their portion as part of a linear parkway or a greenway and then the City would maintain.

Bob Dunckel suggested that Kathy Connor and Charles Brandon keep in contact and pursue the possibilities. Mr. Brandon said that he had offered to lay the pipeline for the irrigation along the strip but no one else agreed.

MOTION BY BOB DUNCKEL TO CONTINUE. SECONDED BY TOM TERRELL.

MOTION PASSED UNANIMOUSLY.

Bob Dunckel left at 11:05 a.m.

ITEM FOUR: SURPLUS OF CITY OWNED PROPERTY

Address or General Location: 3050 NW 68 Street

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Victor Volpi introduced item stating that the City of Fort Lauderdale is about to acquire a small parcel of land from Broward County as an escheatment. He said that the Port St. Lucie Project would like a positive recommendation to sell this parcel to the highest bidder as they own the abutting property. Victor Volpi introduced Christian Ballesteros.

Mr. Ballesteros stated there is a small parcel of land in the rear of the property that he was about to acquire at 3015 NW 68 Street. Mr. Ballesteros said that it is a land locked lot, 125 feet wide by 10 feet. Mr. Ballesteros stated that all abutting properties go to the canal, except for his property. Mr. Ballesteros said that Broward County was the previous owner and was able to have Broward County Commissioners transfer the land to the City, and he was requesting that the City permit him to acquire the piece of property. Mr. Ballesteros said that there is no buildable value to the land and would like to have direct access to the canal for the new townhomes that will be built there. Chris Barton asked if Broward County had attached any conditions to the property or purpose to it. Mr. Ballesteros said no. Mr. Ballesteros said that the strip of land was all grass.

Victor Volpi said that he had not quite figured out the legal description as yet. He said that he would want to get rid of the entire canal.

Discussion followed as to the drainage canal, maintenance, acceptance of the canal from Broward County, adjoining properties wanting to maintain the canal, surplusing the canal to the applicant, access easement for maintenance purposes, and ownership of the other properties to the canal.

MOTION BY TONY IRVINE TO TABLE FOR MORE INFORMATION. SECONDED BY TOM TERRELL.

MOTION PASSED UNANIMOUSLY.

ITEM FIVE: ASSIGNMENT OF LEASE

Address or General Location: 108 SE 1 Street (City Park Mall)

Victor Volpi introduced item stating that Broadway Pizzeria Inc./Verrazano's Pizzeria Inc., would like to sell their company to Bella Pizza LLC. He stated that Broadway holds a lease with the City at the City Park Mall and the terms of the lease, with all options, ends March of 2013. He said that Broadway is up to date with all payments and would like a positive recommendation to propose the assignment of lease to Bella Pizza Inc. Victor Volpi introduced Tony DiGiorgio.

Mr. DiGiorgio said that they were looking to buy the contents of Broadway Pizzeria and have the lease assigned to him. Mr. DiGiorgio said that the business was temporarily closed about 2 months ago.

Discussion followed as to the rent being up to date, assignment of any lease going before City Commission, no changes in terms and conditions, no major construction to the building, types of food offered at the restaurant.

MOTION BY CHRIS BARTON TO RECOMMEND ASSIGNMENT OF LEASE TO THE CITY COMMISSION. SECONDED BY KATHY CONNOR.

Tony Irvine asked if Victor Volpi if he had any recommendations. Victor Volpi said that the tenant has to be up to date with the rent before going to the Commission.

MOTION PASSED UNANIMOUSLY.

ITEM SIX: VACATION OF RIGHT-OF-WAY

Address or General Location: portions of SW 1 Street, SW 21 Terrace, and SW 22 Avenue

Victor Volpi introduced item stating that the State of Florida Department of Transportation (FDOT) would like a positive recommendation to vacate portions of S.W. 1st Street, S.W. 21st Terrace and S.W. 22nd Avenue to clean up the boundary of public land in this area. Victor Volpi said that he did not have all the necessary title work. He said that it appeared that 21st Terrace and 22nd Avenue are rights-of-way, SW 1st Street appeared to be owned by the State/Broward County. Victor Volpi asked if the Utilities Department and the Traffic Engineer could look at this item for the next meeting.

Item deferred due to no representative.

MOTION BY KATHY CONNOR TO TABLE. SECONDED BY TOM TERRELL.

Chris Barton asked if graphics could be added to the backup for the next meeting.

MOTION PASSED UNANIMOUSLY.

ITEM SEVEN: VACATION OF N.E. 11TH AVENUE, FROM SUNRISE BOULEVARD TO N.E. 11TH STREET

Address or General Location: NE 11 Avenue, from Sunrise Boulevard to NE 11 Street

Victor Volpi introduced item stating that this item was deferred from the October 21, 2004 meeting at the request of the applicant. He said that in order to have a unified development, Sunrise Investors LLC would like a positive recommendation to vacate a portion of N.E. 11th Avenue as shown on the exhibit (Exhibit F). Victor Volpi introduced Robert Lochrie.

Mr. Lochrie said that a portion of the property was permanently closed about two years ago by the City Commission. Mr. Lochrie said that there was an issue regarding the location of the permanent closure on 11th. Mr. Lochrie said that this would be a multi/mixed-use project. Mr. Lochrie said that the concept was to vacate 11th Avenue which has been permanently closed, provide a T-turnaround at the north end or south end at 11th and make significant improvements to 12th with a central entranceway, perpendicular parking, retail and residential spaces, roundabouts for circulation of traffic which did not currently exist, a T-turnaround on 12th, continued pedestrian access, bicycle traffic and a gateway feature that could be used by emergency access vehicles. Mr. Lochrie said that they are not asking for a vacation on 12th, just on 11th. Mr. Lochrie said that all utilities would be relocated.

Mehrdad Fayyaz stated the roundabout on 12th seemed larger than the width of the right-of-way. Mr. Lochrie said that they would provide additional right-of-way.

Discussion followed as to the location of the barricades, circulation of traffic, 287 housing units, and 10,000 square feet of retail and restaurants being added.

Brett Nein said that turn lanes are being dedicated for both entrances. Mr. Nein stated that an extensive traffic study was done and they had been before DOT regarding the access control and had received approval. Mr. Nein said an intersection analysis was done, and there was an approval from DOT to modify the median to allow better access to 12th.

Discussion followed as to the entranceways to the retail plaza, T-turnaround at the north end, and access to the Publix.

Rixon Rafter, President of the Lake Ridge Civic Association stated that the reason the Commission approved the closings of all 15th Avenue's entrances leading north off of Sunrise Boulevard, with the exception of Flagler Avenue and 15th Avenue, because of ferocity; the number of entrances to the neighborhood was a direct inducement for criminals. Mr. Rafter said that the streets were closed off over a 5-year period and the crime rate was reduced significantly. Mr. Rafter said that they did not want any streets on Sunrise Boulevard open to the neighborhood and that they supported this plan.

Tony Irvine asked if pedestrian access would be maintained on 12th. Kathy Connor said yes.

MOTION BY TOM TERRELL TO RECOMMEND APPROVAL AS REQUESTED. SECONDED BY GREG THORNBURG

MOTION PASSED UNANIMOUSLY.

ITEM EIGHT: FLORIDA POWER AND LIGHT (FPL) EASEMENT

Address or General Location: Riverland Park, northwest area along SW 27 Avenue, between 9 Street and 10 Street

Victor Volpi introduced item stating that FPL would like a positive recommendation to grant them an easement 48'1" x 10') over a portion of Riverland Park as shown on Exhibit G for the purposes of energizing the park. Victor Volpi introduced Alan Gavazzi, Chief Architect.

Alan Gavazzi said that Riverland Park is a new park being built on the northwest area along SW 27th Avenue, between 9th and 10th Streets. He said that in order to provide power to the park, FPL needs to place a transformer on the site and therefore needs an access easement to the transformer. He said that an easement of 48' 1" x 10' is needed. Mike Fayyaz asked why the transformer could not be placed closer to the road. Alan Gavazzi stated that due to the dumpster enclosure moved around, and the utilities have to have a grease trap. He said that there would be landscaping around the transformer.

MOTION BY KATHY CONNOR TO RECOMMEND APPROVAL AS REQUESTED. SECONDED BY TONY IRVINE.

MOTION PASSED UNANIMOUSLY.

Meeting Adjourned at 11:45 a.m.